



Galileo Pharmaceuticals, Inc.
5301 Patrick Henry Drive
Santa Clara, CA 95064
Tel 408.654.5830
Fax 408.654.5831
www.galileopharma.com

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Name of Person Mailing: Heather McCabe

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Application of:**

Inventors: Boddupalli et al.

Serial No: 10/667,280 : Group Art Unit: 1626

Filed: 09/17/2003 : Examiner: Deborah C. Lambkin

For: Benzofuran Derivatives

COMMISSIONER OF PATENTS
P.O. Box 1450
Alexandria, Va. 22313-1450

Sir:

RESPONSE TO DOUBLE PATENTING REJECTION

Claims 1-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,653,346. Although the conflicting claims are not identical, they are not patentably distinct from each other because they cross embrace the same subject matter wherein R' and R7-R10 corresponds to R and R1-R5.

Applicants note that except for the double patenting rejection made in the Office Action dated September 15, 2005, all pending claims appear to be in condition for allowance and Applicants therefore submit a terminal disclaimer, in compliance with 37 CFR 1.321(c), concurrently herewith in order to obviate the double patenting rejection.

Response to Double Patenting Rejection

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Applicants respectfully request entry of the accompanying terminal disclaimer. Applicants believe that the present application is now in condition for allowance and favorable reconsideration of the application is respectfully requested.

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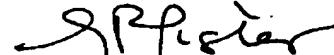
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Respectfully submitted


Gloria Pfister
Agent for Applicants
Registration No. 45,642

Galileo Pharmaceuticals, Inc.
5301 Patrick Henry Dr.
Santa Clara, California 95054
(408) 654-5830 x 237
Date: September 20, 2005

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Signature: Heather

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